

JUN 21 2012

JULIA S. DODDIEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION
JUNE 2012 SESSION

UNITED STATES OF AMERICA	:	Criminal No. 4:12-CR-00001
	:	
v.	:	
	:	<u>All in violation of:</u>
(1) RODNEY LAMAR HAIRSTON	:	Title 21, U.S.C. § 846
(2) KEITH CLIFTON HAIRSTON,	:	Title 18, U.S.C. § 924(c)(1)(A)
aka "Fatal"	:	Title 18, U.S.C. § 924(j)
(3) TREMAIN ALANDO THOMAS,	:	Title 18, U.S.C. § 2
aka "Tre" and "Waka"	:	
(4) QUENTIN DWAYNE MCNEBB	:	
aka "QB"	:	
(5) ANDREW ALBERT CHRISTIAN	:	
EDWARD ARMOUR	:	

SECOND SUPERSEDING INDICTMENT

COUNT ONE

The Grand Jury charges that:

1. On or about January 26, 2010, in the Western Judicial District of Virginia and elsewhere, the defendants, **RODNEY LAMAR HAIRSTON; KEITH CLIFTON HAIRSTON, aka "Fatal"; TREMAIN ALANDO THOMAS, aka "Tre" and "Waka"; QUENTIN DWAYNE MCNEBB, aka "QB";** and **ANDREW ALBERT CHRISTIAN EDWARD ARMOUR** willfully and knowingly combined, conspired, confederated and agreed with diverse persons known and unknown to the Grand Jury, not herein named, to commit the following offense against the United States, to wit: to possess with intent to distribute, a mixture or substance containing a measurable quantity of marijuana, a Schedule I controlled substances, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).

2. All in violation of Title 21, United States Code, Section 846.

COUNT TWO

The Grand Jury further charges that:

1. On or about January 26, 2010, in the Western Judicial District of Virginia and elsewhere, the defendants, **RODNEY LAMAR HAIRSTON; KEITH CLIFTON HAIRSTON, aka "Fatal"; TREMAIN ALANDO THOMAS, aka "Tre" and "Waka"; QUENTIN DWAYNE MCNEBB, aka "QB";** and **ANDREW ALBERT CHRISTIAN EDWARD ARMOUR** willfully and knowingly did attempt and did aid and abet others not herein named in the attempt to commit the following offense against the United States, to wit: to possess with intent to distribute, a mixture or substance containing a measurable quantity of marijuana, a Schedule I controlled substances, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).

2. All in violation of Title 21, United States Code, Section 846 and Title 18, United States Code, Section 2.

COUNT THREE

The Grand Jury further charges that:

1. On or about January 26, 2010, in the Western Judicial District of Virginia and elsewhere, the defendants, **RODNEY LAMAR HAIRSTON; KEITH CLIFTON HAIRSTON, aka "Fatal"; TREMAIN ALANDO THOMAS, aka "Tre" and "Waka"; QUENTIN DWAYNE MCNEBB, aka "QB";** and **ANDREW ALBERT CHRISTIAN EDWARD ARMOUR** did knowingly possess a firearm in furtherance of a drug trafficking crime for which each defendant may be prosecuted in a court of the United States, as set forth in Counts One and Two of this Superseding Indictment, in violation of Title 18, United States Code, Section 924(c)(1), and in the course of this

violation caused the death of a person through the use of a firearm, whose killing was a murder in the first degree as defined in Title 18, United States Code, Section 1111, in that the defendants, with malice aforethought, did unlawfully kill A.J. Murphy, willfully, deliberately, maliciously and with premeditation by lying in wait during the perpetration of or the attempted perpetration of a robbery.

2. All in violation of Title 18 United States Code, Section 924(c)(1) and 924(j).

FORFEITURE ALLEGATION

1. Upon conviction of one or more of the felony offenses alleged in this Indictment the defendants shall forfeit to the United States:

- (a) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offenses, pursuant to Title 21 United States Code, Section 853(a)(1).
- (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of said offenses, pursuant to Title 21 United States Code, Section 853(a)(2).
- (c) any firearm used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances and/or raw materials, as described in Title 21 United States Code, Sections 881(a)(1) and (2), and any proceeds traceable to such property, pursuant to Title 21 U.S.C. Section 881(a)(11) and Title 28 United States Code., Section 2461(c).
- (d) all firearms and ammunition possessed or used in violation of 18 U.S.C. § 924.

2. The property to be forfeited to the United States **includes, but is not limited to**, the following property:

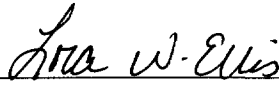
- (a) Firearm and Ammunition
 - (1) One Taurus P45 caliber semi-automatic pistol, Serial Number NYD79675; and
 - (2) Ammunition

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the above-described forfeitable property.

A TRUE BILL this 21 day of June, 2012.



FOREPERSON


for TIMOTHY J. HEAPHY
UNITED STATES ATTORNEY